

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

REGINALD S COLE, JR,

Plaintiff,

v.

Case No. 15-C-0057

JANSSEN PHARMACEUTICALS INC,

Defendant.

ORDER DENYING MOTION TO SUPPLEMENT OR CORRECT RECORD

Plaintiff Reginald Cole, Jr. has filed a motion to supplement or correct the record on appeal in the above matter. He has also filed a motion for leave to file expert reports by one of the psychologists or psychiatrists that treated him back in 2013. Specifically, he asked to supplement the record with reports of Ralph Froelich, M.D.

Rule 10(e) of the Federal Rules of Appellate Procedure authorizes the district court to correct or modify a record on motion of one of the parties if there is any difference between what truly occurred in the district court and what is reflected in the record. The rule also authorizes the district court to supplement the record with information or evidence material to either party that is omitted or misstated in the record by error or accident. Fed. R. App. P. 10(e)(1) and (2).

In this case, Cole's motion will be denied. The only report he identifies is the October 2, 2013 psychiatric report by Dr. Froelich that is already part of the record. *See* ECF 137-1 at 170. Since that is the only document that he identifies and it is already a part of the record before the court, the motion to supplement or leave to file should be and hereby is DENIED.

SO ORDERED this 25th day of October, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
U.S. District Court